

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4

In re Application of
Thomas A. Epple
Serial No.: 10/005,839
Filed: November 8, 2001
Title: AUTOMATIC POOL COVER BOX
EQUIPMENT MOUNTING ASSEMBLY

)
) Group: 3751
)
)
) Examiner:
)

PETITION FOR FILING DECLARATION AND POWER
OF ATTORNEY UNDER 37 C.F.R. §1.47(a)

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
AUG 02 2002

Sir:

OFFICE OF PETITIONS

This is a petition by inventor Thomas A. Epple to file the Declaration and Power of Attorney for the above-identified application on behalf of the other joint inventor, Lanny R. Smith, who refuses to sign the application under 37 C.F.R. § 1.47(a). Enclosed herewith is a check for \$65.00 for the fee required under 37 C.F.R. §1.17(h).

The Pertinent facts are as follows:

1. Thomas A. Epple is an employee of Fort Wayne Pools, Inc. of Fort Wayne, Indiana and Lanny R. Smith is an employee and/or owner of Coverstar, Inc. of Lindon, Utah.
2. Thomas A. Epple and Lanny R. Smith each developed portions of the invention disclosed in the above mentioned application.
3. I prepared and filed the application identified as Serial No. 10/005,839 entitled "AUTOMATIC POOL COVER BOX EQUIPMENT MOUNTING ASSEMBLY" naming as joint inventors Thomas A. Epple and Lanny R. Smith on November 8, 2001.
4. On November 1, 2001, I forwarded to Mr. Lanny R. Smith a copy of the above-identified patent application including a Declaration and Power of Attorney requesting execution of the Declaration and Power of Attorney. A copy of the cover letter is enclosed as Appendix A.

07/25/2002 CNGUYEN 00000052/10005839

08 FC:197

65.00 OP

Adjustment date: 08/01/2002 SLUANG1
07/25/2002 CNGUYEN 00000052 10005839

-65.00 OP

08/01/2002 SLUANG1 00000018 200095 10005839 65.00 OP
01 FC:122

5. After communicating with Mr. Lanny R. Smith on several occasions, on June 10, 2002, I forwarded to Mr. Lanny R. Smith a letter again requesting him to sign the Declaration and Power of Attorney. A copy of the letter is enclosed as Appendix B.

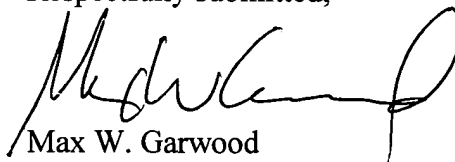
6. Fort Wayne Pools, Inc. could lose its rights and/or suffer irreparable damage if it and joint inventor Thomas A. Epple is act on behalf of Mr. Lanny R. Smith who refuses to sign.

7. The last known address of Mr. Lanny R. Smith is 815 W. Blue Spruce Road, Alpine, Utah 84604.

Petitioner hereby respectfully requests that this Petition be allowed.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Max W. Garwood
Registration No. 47,589

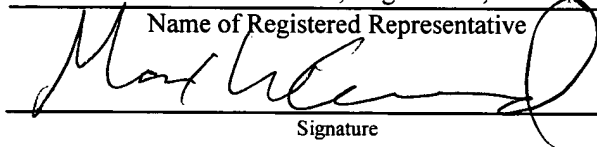
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, DC 20231, on: July 19, 2002

Max W. Garwood, Reg. No. 47,589

Name of Registered Representative



Signature

July 19, 2002

Date

TTT/ar

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300

Enc.: Return postcard
Check No. 8703

TAYLOR & AUST, P.C.

PATENT & TRADEMARK ATTORNEYS

TODD T. TAYLOR
RONALD K. AUST
STEPHEN D. HORCHEM*

*TECHNICAL ASSOCIATE

142 SOUTH MAIN STREET
P. O. BOX 560
AVILLA, IN 46710
TELEPHONE (260)897-3400
FAX (260)897-9300

RAYMOND W. CAMPBELL
MAX W. GARWOOD
**ROGER M. RICKERT

**OF COUNSEL



June 10, 2002

VIA FACSIMILE

Mr. Lanny Smith
Fort Wayne Pools, Inc.
6930 Gettysburg Pike
Fort Wayne, IN 46804

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AUG 02 2002

OFFICE OF PETITIONS

RE: U.S. Patent Application Serial No. 10/007,767
Title: AUTOMATIC POOL COVER BOX ASSEMBLY
Our Ref.: FWP0046.US

RE: U.S. Patent Application Serial No. 10/007,551
Title: AUTOMATIC POOL COVER BOX EQUIPMENT MOUNTING
ASSEMBLY
Our Ref.: FWP0048.US

RE: U.S. Patent Application Serial No. 10/005/839
Title: AUTOMATIC POOL COVER BOX EQUIPMENT MOUNTING
ASSEMBLY
Our Ref.: FWP0049.US

Dear Lanny:

We have previously sent you the formal papers for signing in each of the above identified patent applications on numerous times. We still have not yet received the executed formal papers from you. The final deadline for submitting the executed formal papers in U.S. Application Serial No. 10/007,767 (Our Ref: FWP0046) is June 27, 2002, after which the application will automatically go abandoned. If we do not receive the executed formal papers from you at the latest by Friday, June 14, 2002, we will assume that you are refusing to execute the formal papers, and will proceed accordingly.

Sincerely,

Todd T. Taylor

TTT/eb

cc: T. Epple (by mail)
J. Bragalone (by mail)

TODD T. TAYLOR
RONALD K. AUST
KEITH J. SWEDO
JEFFREY T. KNAPP *

*PATENT AGENT



TAYLOR & AUST, P.C.

PATENT & TRADEMARK ATTORNEYS

142 SOUTH MAIN STREET
P. O. Box 560
AVILLA, IN 46710
TELEPHONE (219)897-3400
FAX (219)897-9300

RAYMOND W. CAMPBELL
MAX W. GARWOOD
**ROGER M. RICKERT

**OF COUNSEL

November 1, 2001

Mr. Tom Epple
Fort Wayne Pools, Inc.
6930 Gettysburg Pike
Fort Wayne, IN 46804

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AUG 02 2002
OFFICE OF PETITIONS

RE: New U.S. Patent Application
Title: AUTOMATIC POOL COVER BOX EQUIPMENT MOUNTING
ASSEMBLY
Our Ref.: FWP0049.US

Dear Tom:

Enclosed herewith please find a draft of the above-identified patent application including specification, claims and drawings and declaration. Please review the application, and if all is in order, sign and date the declaration in the appropriate spaces. Return the executed application to me for filing in the U.S. Patent Office.

By copy of this letter, I am forwarding a copy of the application and declaration to Lanny Smith for execution.

If minor changes to the application are necessary, please write in the changes directly on the application and initial and date each change. If more substantial changes to the application are necessary, please telephone me.

If you have any questions, please do not hesitate to telephone me.

With best regards, I remain

Very truly yours,

Todd T. Taylor

TTT/ar

Encs.: Application

Declaration

cc: Lanny Smith (w/enc.)



user not listed
DAC
#3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Thomas A. Epple) Group: 3751
Serial No.: 10/005,839)
Filed: November 8, 2001)
Title: AUTOMATIC POOL COVER BOX) Examiner:
EQUIPMENT MOUNTING ASSEMBLY)

RECEIVED

AUG 02 2002

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF APPLICATION FOR U.S. PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR § 1.137(b)

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

ATTN: Office of Petitions

Adjustment date: 09/12/2002 AKELLEY
07/25/2002 CNGUYEN 00000052 10005839
01 FC:241 Sir: -640.00 OP

The above-identified U.S. Patent Application became abandoned for failure to file a timely and proper response to the Notice Missing Parts mailed on December 13, 2001.

Applicants hereby petition for revival of this application under 37 CFR § 1.137(b).

Enclosed herewith is the petition fee for a small entity in the amount of \$640.00 under 37 CFR § 1.17(m). Also enclosed herewith is a Petition for Filing a Declaration and Power of Attorney, a Declaration and a check in the amount of \$65.00 as required under 37 C.F.R §1.17(h).

The entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In the event Applicants have overlooked the need for an additional payment of fee, Applicants hereby authorize that any additional charges be made to Deposit Account No. 20-0095, TAYLOR & ASSOCIATES, P.C.

07/25/2002 CNGUYEN 00000052 10005839

01 FC:241 640.00 OP

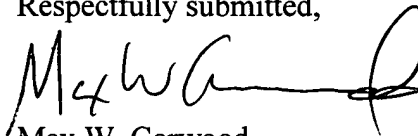
09/12/2002 AKELLEY 00000036 200095 10005839

01 FC:228 340.00 CH 640.00 OP
FWP0049.US

PATENT

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Max W. Garwood
Registration No. 47,589

Attorney for Applicant

TTT/ar

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142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300

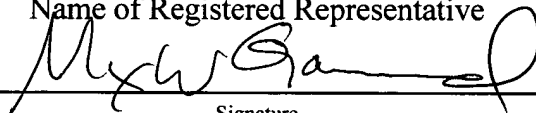
Enc.: Return postcard
Check No. 8704

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, DC 20231, on: July 19, 2002

Max W. Garwood, Reg. No. 47,589

Name of Registered Representative



Signature

July 19, 2002

Date
